

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT N. HARRINGTON, JR.
Plaintiff

CASE NUMBER 05-40115 FDS

VS.

JAMES M KREIDLER, JR. AND
THE TOWN OF WINCHENDON
Defendants

JOINT MOTION TO AMEND SCHEDULING ORDER

The parties to the above action, by their attorneys, respectfully request this Honorable Court to amend the present scheduling order to allow an additional 3 months to complete discovery and extend all other dates accordingly. As ground therefore, the parties state as follows:

1. This action arises out of the plaintiff's employment with the Town of Winchendon.
2. In addition to the present action, the plaintiff has an appeal pending before the Civil Service Commission. Four days of hearing have been completed. A fifth day is scheduled for December 1, 2006 and a sixth day will probably be held for rebuttal witnesses. The parties do not anticipate completing the testimony before the end of the year..
3. The parties have nearly completed written discovery but because of the ongoing preparation for the Civil Service Commission hearing and scheduling conflicts, the parties need additional time to conduct depositions.
4. The parties wish to have the Civil Service hearing completed before conducting depositions as many of the potential witnesses in the present case

have testified at the civil service commission, which may eliminate the need for their depositions in this case.

5. The plaintiff is a reservist in the United States Army and is on active duty, which makes it difficult to schedule his deposition.
6. Plaintiff's counsel is on trial in another matter for the month of December in Suffolk Superior Court and will not be available for depositions.

WHEREFORE, the parties respectfully request that this Honorable Court to amend the present scheduling order as follows:

1. All fact discovery including written discovery, request for admissions and depositions to be completed by March 9, 2007;
2. Plaintiff and defendants' trial experts and any information contemplated by Fed.R. C. Pr. 26 (a)(2) disclosed by March 9, 2007;
3. Trial experts deposed by April 9, 2007.
4. Dispositive motions, including motions for summary judgment, partial motions for summary judgment and motions for judgments on the pleadings filed by April 9, 2007.
5. A Pre-Trial Conference to be held on the last week of April 2007.

Respectfully Submitted,

The plaintiff,
By his attorney,

The defendants,
By their attorneys,

/s/ L.Richard LeClair, III
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Dated: